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Other Services

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Remote Call Forwarding - Initial Service	RCF	\$185100
Remote Call Forwarding - Ea addi senice	RCA	\$18,5100
Ars Supreaped white side intro, per the -N	USWIX	\$2,2600
Ars Supreppd white side intro, per line -R	USWIX	\$1,4500
Pub Erner Sys-Indi Ans Sta-in Be Rt Area	67Y1S	\$6,7200
Pub Emer Sys-lait Ans Sta-Out Ba Ft Area	67015	\$7.0400
Pub Emer Syn-Add Ans Sta-In Bs Rt Area	6/Y	\$0.8500
Pub Erner Sys-Add Ans Sta-Out Be Rt Area	670AS	\$1.2200
Pub Erner Sys-Eggl CPE SigrI-In Bs Rt Area	671M/B	\$0,0500
Pub Erner Sys-Eggt CPE Sigri-Out Bs Rt Area	67FOB	\$83100
Central Ofc Term. Equip, each-NRC	PHS	\$148300
Central Old Term Equip, ea-Red	PH8	\$7.3600
E911-ANV1000 main sta-NRC	E&X	\$152,4600
E911-ANV1000 main sta-Rec	EOX	\$26.4300
E911-Se Routing/1000 main sta-NRC	EBR	\$605.8100
E911-Se Routing/1000 main sta-Rec	CAR	\$74.1900
E911-AN, Select Routing/1000 main sta-NRC	EST	\$606.8100
911-AN, Select Routing/1000 main sta-Res	EA-	\$74.1900
E911-AN, Loc ID/1000 main sta-NRC	E\$V	\$1,300.9300
911-AN,Loc ID/1000 main sta-Rec	Eav	\$92,5000
E911-AN, Loc 10, Select Ro.#1000 nn sta-N	Ear	\$1,422.8900
E911-AN, Loc ID, Selox Roul/1000 mn sta-R	E87	\$103.6700
E911-Add one-way E011 Exch Lns-NRC	EBK	\$132.1300
E811-Add one-way E911 Exch Lins-Rec	FOX	\$91.4700
911-AN Master Controller, each-NRC	E9S	\$7,419.3300
E011-ANI Macter Controller, each-Rec	E9S	\$370.9600
E911-AN Auditary Controller, each-NRC	E9E	\$1,854.8300
E911-AM Aumillary Controller, each-Rec	E9E	\$94.5200
E911-ANI Addi Trunk Equipment, etch-NRC	EЭY	\$569.1500
911-ANI Addi Trenk Equipment , each-Rec	E9Y	\$28.4600
F911-AM Display and Transfer Unit ea-NRC	E9U	\$660,6200
911-ANI Display and Transfer Unit ea-Rec	E3U	\$23,3800
211-Alli Comi Pewer Comersion Unit-NRC	E3.5	\$1,112.9000
F311-ARI Com' Pewer Corwersion Unit-Rec	E92	\$55.9000
311-AU Mast Crirl-9vc Eulab Chrg-with ANI-NR	EBL	<b>\$</b> 650.46 <b>0</b> 0

Other Services

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	ł	Wholesak "Price"
A	6	N
EG11-ALIMast Cnin-Svc Est Chig-added to NI-NR	EBL	\$650 46 <b>00</b>
ES11-ALIMast Chiri-Install Ctg-with ANI-NRC	E&L	\$9,D45 4800
ES11-ALIMast Cold-Mo Chg-with ANI-Rec	EAL	\$452 2700
ES11-ALIMast Criti-Install Chg-added to ANI-NR	EAL	19,487.5900
EE11-ALIMast Criti-Mo. Chg -addec to ANI-Rec	E&L	\$4522700
ES11-ALIAuditury Controller, each-NRC	E8N	\$960.4500
ES11-ALI Auditary Controller, each-Rec	E8N	\$48.7900
E911-ALI Display Unit, each NRC	EBP	\$1,209.4500
E911-ALI Display Unit, each-Rec	ESP	\$60,9900
E911-AL Int wiring per display unit, ea-NRC	EBO	\$90,4500
E011-AL int wing per display unit, as-Rec	E8Q	\$1.0200
E911-Subsegnt Intell ChrgANJ Aux Cntri,ea -N	ESE	\$477.6300
E911-ANI Additional Trunk Equipment-NRC	E9Y	\$550,9900
E911-AL Display and Transfer Unit-NRC	E9U	\$350.6300
E911-AL Auditory Controller-NRC	EAN	\$386.2100
E911 - A.L - Display Unit -NRC	EBP	\$370.0600
E911-AL Interior V/Iring -NRC	CAQ	\$355.7200
Data Access Arrange-Manual Opn-NRC	CDTOO	\$20.6600
Data Access Arrange-Manual Opn-Rec	CDTOO	\$2.3700
Dala Accesa-Srd/Rec Voltage Inifc, ea-NRC	CBS	\$29.6600
Dala Access-Snd/Rec Vollage Intio, ca-Rec	CBS	\$5.9400
Oala Aucess-Snd/Rec contact cls intic, ea-N	CBT	\$29.6600
Deta Accesa-Snd/Rec contact cts infic, sa-R	CBT	\$4.7400
Dela Access-Power contact c's intic, ea -N	CBV	\$29.6600
Deto Access-Power contact c s Intic, sa -R	CBV	\$1.7800
Data Access-Line current status indicator -N	CBW	\$14.8300
Data Access-Line current status indicator -R	CBW	\$1.7800
ACD-Incoming ins for Call Dist-FX-Rec	ABEFX	\$57.5000
ACD-Incoming ine for Call Dist-CCSA/TL-Rec	A8ETL	\$76.6700
ACD - Other Lines for Intercom w/PBX	A3	\$0.000
ACD-Type A ESS-ACD-Svc Est Chig -NRC		\$587.6300
ACD-Type A-CTRESVS Estab Clig-IRC		\$7,910.7100
ACD-Type A-Coma Egot-per sys-NRC	ABA	\$255.5900
ADD-Type A-Coma Egot-per ays-Rec	ABA	\$19.1700
ACD-Type A-Sistion Yerm-ex-NRC	A82	\$25.5600
ACO-Type A-Station Term-ea-Rec	A82	\$7.0300

Other Services

Nent	USOC	Wholesala "Price"
A	В	N.
ACD-Type A-Addi Queue Sixls-Rec	ABJRA	\$1.7300
ACD-Type A-Per station term-NRC	A@G	\$16,1700
ACD-Type A-Per station ferm-Rec	A6G	\$1.7300
ACD-Type A-Per split group-NRC	A9A	\$15,1700
ACD-Type A-Per split group-Rec	A9A	\$1.7300
ACD-Type A-Call Wait Indicaton-NRC	A66CE	\$31,9600
ACD-Type A-Call Wait Indication-Rec	A66CE	\$3.8300
ACD-Type A-Per Delay Announc -NRC	ABGCE	\$159.7400
ACD-Type A-Per Delay Announc -Rec	ABGCE	\$70.2800
ACD-Type A-Per Delay Announc Tri-NRC	ABGAT	\$95.6400
ACD-Type A-Per Delay Announc Tri-Rec	AOGAT	\$14.0600
ACO-Type A-Delay announc-per sta term-R	ABGST	\$3,2100
ACD-Type A-Silonco/Music at announc-NRC	AST	\$91.2800
ACD-Type A-Stence/Nusic at announc-Rec	ΛöΓ	\$7.3000
ACD-Type A-Night transfer-per spilt eqpd-N	A3F	\$19,1700
ACO-Type A-Night transfer-per split exput-R	TEA	\$2.2300
ACD-Type A-GTNF-Common Egot -NRC	N=8	\$377.2900
ACD-Type A-CTRF-Common Equit -Rec	N-B	\$206,9000
ACD-Type A-CTRF-Traffic Meas-per label-V	NFE	\$4,2600
ACD-Type A-CTRF-Per Truffic Mean Select-N	N-G	\$4 2600
ACD-Type A-CTRF-Til Moes per In-1 protout per ar	NFP	\$27.9900
ACD-Type A-CTRF-Til Mous-per In-2piritout per hi	NFQ	\$42,6000
ACD-Type A-CTRF-Facility Assurance Rpd-N	NFK	\$3.6500
ACD-Type A-CTRF-Facility Assurance Rpit-R	NFK	\$0.3000
ACD Type A-Chrys-Yrf Meas-NRC		\$4,2600
ACD-Type A-Congs-Trl Meas-Prino.1 tm sched		\$24.3400
ACD-Type A-Chings-Facility Asia, Rprt-NRC		\$3.6500
NCD-Tyxe A-Ching-Dulay Amounc Rod-NRC		\$109.5300
SDS - Access Line - 0-2 cable miles-NRC	SOHIA	\$239.8300
SDS - Access Line - 0-2 caple miles-Rec	SDH1A	\$36.2000
SDS - Usage - per minute and fraction		\$9.0500
JRIS-Svc Addi Obase-per dewnload-min chrg		\$10,860.0000
JRIS-Sic Addi Dbase-per lire of dala		\$).3100
CLAR-Service Establishment Charge-NRC	SEPRH	\$181.0000
CLAR-Far protected nos 1 to 100 ros -NRC	EL41X	\$1.3600
LAR-Far protected nos 1 to 100 ros -Rec	EL4IX	\$3.9100

Other Services

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A	В	N
CLAR-Per protected numbers - 101-999 nosNRC	EL41X	\$1.3500
CLAR-Per protected numbers - 101-999 nosRec	EL41X	\$0.7200
CLAR-Per protected numbers - 1000 + nosNRC	EL41X	\$1.3600
CLAR-Per protected numbers - 1000 + nosRec	EL41X	\$0.5400
CLAR-Per additional alternate route plan-NRC	EWP	\$18.1000
CLAR-Per additional alternate route plan-Rec	EWP	\$13.5600
CLAR-plan chga, per no. via suc order process-N	NR9EV	\$9.0500
CLAR-activition of plan by AIT-NRC	NRSEW	\$5.050
NSAR-Service Establishment Charge NRC	SEPRA	\$407.2500
NSAR-Per protected numbers - 1 to 100 nos- NRC	EN4IX	\$1.3500
NSAR-Par protected numbers - 1 to 100 nosRec	EN4IX	\$6.9100
NSAR-Per protected numbers - 101-299 nos-NRC	EN41X	\$1.3600
NSAR-Per protected numbers - 101-999 nos-Rec	EN4IX	\$0.7200
NSAR-Per protected numbers - 1000 + nos-NRC	ENIIX	\$1.3600
NSAR-Per protected numbers - 1000 + nos-Rec	ENIIX	\$0.540
NSAR-Per additional alternale route plan-NRC	EQ4	\$18.1000
NSAR-Per additional alternate route plan-Rec	EQ4	\$13.5800
NSAR-plan chga, per no. vie suc order proc-NRC	NROEX	\$9.0500
NSAR-activition of plan by AlT-NRC	NROEY	\$9.0500
Countinated lest activ, per event, per orig exph-N	NRŒZ	\$181.0000
Back Up Link-NRC	P9P	\$4 5300
Back Up Link-Rec	P9P	\$1.6100
Back Up Link-Activation charege, per actNRC	NRORT	\$43.4400
Auke Busy Key-Rec	Pgo	\$5.7500
brook Hunt Key Rec	BRR	\$5.7500
cid off and Transfer-Auto CO Cidoff-Marital -Rec	81.2	\$0.4400
cut off and Transfar-Auto CO Cutoti-Manual -Rec	SJ9	\$4.5700
Isrvd Tel Numbers-Es grp of one or more aos-NRC	RNCRN	\$22.6300
tervel Tel Numbers-Ex grp of one or more nos-R	RNORN	\$4.5300
barve Tel Numbers-For ea lele no reserved-Rec	R25	\$0.2300
w Faul Protect-Single Chan-per com-Rec	10PQ,R,	\$31.6800
wr Fault Protect-Multiple Chan-Common eqpt-Re	PIOPA	\$41.3500
w Faul Protect-Multiple Chan-Analog/digital-Re	PIOP+	\$14.4800
wr Fault Protect-Multiple Chan-DSI:Optinet-Re	P1QPL,T	\$19.0100
NS-Inital week per occ,10 or less registers-NRC		\$31.6800
NS-inital week,per ox, addityrps of 10 reg-NRC		\$9.0600

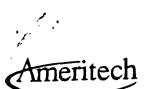
# Other Services

Ren	USOC	Wholesale "Price"
A	В	N
SNS-ināhi weak, per occ, per register-NRC		\$226300
SttSAddtWeek.per occ, 10 cr less registers-NRC		\$9,0500
SHS-Add Week,per ooc, per register-NRC		\$45300
Pold Sw Wwk-Exch Tern-Alg Asynch-2.4 Kbps	VXDA2	\$31,6500
Pold Sw Wwk-Exch Term-Alg Asynch-4.8 Rbps	VXDA4	\$31,6800
Peld Sw Mhok-Each Tern-Alp Asynch-9.6 Rops	VXDA9	\$31.6800
Peld Sw Mwk-Eich Term-Dgll-2.4 Khps	VXDD2	\$27,1500
Polit Swillhale-Ench Term-Dgil-4.8 Kops	VXDD4	\$27,1500
Polit Sw Mwk-Each Term-Dgf-9.6 Kaps	VX009	\$27,1500
Pold Sw Nlwk-Exch Term-Dyll-19.6 Kbps	VXD19	\$27.1500
Peld Sw Nhuk-Exch Term-Dall-56 Khps	VXD56	\$27.1500
Pcki Sw Ntwk-Fort Term-Asynch	LHPAF	\$22.6300
Pckl Sw Niwk-Fort Term-X.25 Protocol-2.4 Kbps	LHTZC	\$22,6300
Pakt Sw Ntwk-Fort Terra-X.25 Protocol-4.8 Kbps	LHT2D	\$22,6300
Pcld Sw Ntwk-Port Terra-X.25 Protocol-9.6 Kbps	LHT2E	\$22,6300
Polit Sw Nllwk-Port Terra-X.25 Protocol-19.2 Kbps	LHT2F	\$22.6300
old Sw Nllwk-Port Term-X.25 Protocol-56 Kbps	LHT20	\$22.6300
Pold Sw. Mark-Port Term-X.75 Protocel-2.4 Rops	LHITC	\$22,6300
cld Sw Mark-Port Term-X.75 Protocol-4.8 Kbps	LHI7D	\$22,6300
cld Sw Navic-Port Term-X.75 Prolocel-9.6 Kbps	LHITE	\$22.6300
cki Sw Nink-Pari Term-X.75 Protocol-19.2 Khps	LH17F	\$22 6300
cki Sw Niwk-Parl Term-X.75 Protocol-56 Kbps	LH17G	\$22.6300
Ad SwNbwk-Usg-Norm Bus-Prom Aca-1/10 mln		\$0.0000
cit SwNtwk-Usc-Name Bus-Hold Time-1/10 min		\$0.0000
cid SwNhvk-Usg-Narm Bus-Fast Select-per req	HRBM1	\$0.0100
cht SwiNtwk-Ueg-Norm Bee-Deta Trans-1/10 min	HREM1	\$0.0000
cld SwMwk-Ueg Norm Bus-ISDN VF-1/10 min	HRBMG	\$0.0000
ckt SwNtwk-Usg-Norm Bus-Date Trans-Kitosegment	HRBKX	\$0.2200
cld SwNtwk-Usg-Name Bus-ISDN IF-Kilosegment	HRBKG	\$0.0700
cld SwNtwk-Usg-Norm Bus-Trans Svc/WIN		\$9.0800
cld SwNtwk-Ung-Evn/HotWE-Hid Time-1/10 min		\$).0000
ckt SwNtwk-Usg-Eve/HolWE-Fast Select-per req	HREMI	\$).0000
cki SwNkwk-Usg-Eve/HolWE-Date Trans-1/10 min	HRBM1	\$).0076
cld Sw Nllwk-Usg-Eve/Hol/WE-ISDN VF-1/10 min	HREMG	\$3.0000
cid Sv. Nilwik-Usg-Eve/HolfWE-Data Trans-Kilosegment	HFBKX	\$3.1100
cid Sw. Nhvk-Ung-Eve/Hol/WE-ISDN UF-Kilosegment	HREKG	\$3.8400

Other Services

ltem	usoc	Wholesale "Prioc"
À	E	N.
Paid Sw litwic-Opti Fearm-Hurt Group-NRC	LDM	\$18,1000
Pold Swilltwik-Opti Fearts-Hurt Group Rec	LOM	\$2,7200
Pold Sw Illwik-Opti Featrs-Direct Cell-NRC	LJD	\$18,1000
Pold Sw Mwk-OpU Fears-Rev. Chg Accept-N	LD4	\$9.0500
Pold Sw Mwk-Opti Feats-Fast Select Acceptance	LDEFS	\$9,0600
Polit Sw Mark-Opti Featre-CUG Group	rm	\$135800
Polit Sw Wak-Opt Fealts-CUG Group Member	LGJ	\$9,0500
Polit Sw Wwk-Opti Featrs-Additional NUI	LOGAX	\$45300
Pold Sw Htvd:-Opti Festrs-Additional NTN	LCQ	\$9.0500
Pcld Sw litter-Cpli Featrs-Permanent Virtual Circuit	LDV	\$16,1000
Pcid Sw Htwk-Cpll Fedrs-Cal Redirection-HRC	LKO	\$13,5800
Ock! Sw Wwk-Cpli Featrs-Cal Redirection-Rec	LRD	\$0.9100
Custom Number Sarvice (NRC)	RNCSP	\$30,8600

Total Business



444 Michigan Avenue Room 1750 Detroit, MI 48225 Office 313-223-8033 Fax 313-496-9326

Craig A. Anderson Counset

October 2, 1996

Ms. Dorothy Wideman
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way, P.O. Box 30221
Lansing, MI 48909

Re: Case No. U-11104

In the Matter, on the Commission's Own Motion, to Consider Ameritech Michigan's Compliance With the Competitive Checklist in Section 271 of the Telecommunications Act of 1996.

Dear Ms. Wideman:

The following information is provided so that a complete and accurate record exists in this docket regarding AT&T's September 18, 1996 letter (the AT&T letter) referencing Case No. U-11104, which requested that the AT&T letter and related documents be included in the case record.

The AT&T letter expressed concern about the nature of the relationship between Ameritech Michigan and any competitive local exchange company with which it enters into an interconnection agreement in Michigan. To support this concern, AT&T has argued that Ameritech Wisconsin filed an interconnection agreement with GE Capital Communications Services Corporation (GECCS) at the Wisconsin Public Service Commission that failed to disclose a financial interest between the parties and otherwise included terms that were inconsistent with a competitive marketplace.

AT&T's allegations in the letter are not only misleading and without merit, they lack relevance to any matter at issue in this proceeding. Even if the issues in Wisconsin had anything to do with matters at issue in Michigan, the relationship between GE and Ameritech had been fully and publicly disclosed, in advance, in Ameritech's annual report. There was no failure to disclose, which appears to be the focus of AT&T's letter. For these reasons, AT&T's request for inclusion of the letter and related documents in the record of this case should be rejected.

In Wisconsin, intraLATA 1+ presubscription was scheduled by the Public Service Commission of Wisconsin (PSCW or Wisconsin Commission) to be implemented on September 1, 1996. The PSCW concluded that the implementation date could be deferred from September 1, 1996 to January 1, 1997 if Ameritech Wisconsin would file at least two interconnection agreements with the Wisconsin

Ms. Dorothy Wideman
October 2, 1996
Page 2

Commission by August 1, 1996: one agreement with a facilities-based carrier and one with a reseller.

On August 1, Ameritech Wisconsin filed a request for deferral, based on interconnection agreements that had been reached with facilities-based carriers (MFS, Time Warner) and a reseller (GECCS). Under the terms of the Wisconsin Commission's original order permitting deferral, the Wisconsin Commission's permission was needed for the MFS and GE agreements to qualify for the deferral.

In response to Ameritech Wisconsin's August 1 filing request for deferral, the Wisconsin Commission Staff (Staff) sent a request for information to Ameritech Wisconsin inquiring, among other things, about a possible financial interest Ameritech Wisconsin had with GECCS. In particular, Staff pointed out entries in Ameritech's Annual Reports in 1994 and 1995 that state that Ameritech loaned GE Information Services (GEIS) \$472.5 million. Ameritech Wisconsin responded to the request as follows:

"Ameritech has no financial interest in GE Capital Communications Services Corporation. Ameritech has lent money to GE Information Services ("GEIS") as indicated in Ameritech's annual reports; Ameritech presently has no equity interest in GEIS or any other GE subsidiary. Ameritech exercises no control or influence over the operations of GEIS or GECCS. GECCS and GEIS are independent, wholly owned subsidiaries of GE. . . . GEIS does not provide local exchange services. GECCS is, therefore, a competitor of Ameritech Wisconsin in the provision of local exchange services." (Emphasis added)

Obviously, the Wisconsin Staff submitted the data request fully aware of the financial arrangement between GE and Ameritech Wisconsin. Contrary to the misleading implications in AT&T's letter, Ameritech Wisconsin did not try to hide such financial information, since it was included in Ameritech's Annual Reports for both 1994 and 1995.

Based on Ameritech Wisconsin's comments and the comments of all the parties, Staff supported deferral of 1+ intraLATA presubscription implementation as requested by Ameritech Wisconsin. In its comments, Staff stated it agreed with Ameritech Wisconsin's assertions that its agreement with GECCS is an arm's length transaction with a competing service provider, that GECCS and GEIS are independently managed, and that GEIS exercises no influence or control over the operations of GECCS. As a result, Staff recommended that the Wisconsin Commission approve the waiver request with respect to GECCS.

AT&T's allegation that financial information was concealed in the Wisconsin case is simply wrong. Ameritech Wisconsin completely and promptly provided all the relevant information to Staff about its financial relationship with GEIS. Staff never complained about receiving inadequate information.

Ms. Dorothy Wideman October 2, 1996 Page 3

The allegations that are contained on page 1 of AT&T's letter are speculative, misleading, and without merit. AT&T states that:

"The attached documents <u>imply</u> that Ameritech <u>may well submit</u> agreements with companies with which it has a financial interest without disclosing the interest, <u>may make</u> unspoken reservations based on technical points concerning corporate legal structures within an enterprise, and <u>may dispute</u> the existence of equity ownership rights merely because they are contingent upon future, albeit certain, events." (Emphasis added)

AT&T has not accused Ameritech Michigan of actually doing any of these things in Michigan, but merely speculates that it may engage in such behavior. As discussed above, Ameritech Wisconsin did nothing improper in attempting to gain approval of its interconnection agreement with GECCS, as the Staff confirmed by recommending that the Wisconsin Commission approve the agreement.

Ameritech Michigan further notes that these documents have no relevance in Michigan. The carrier at issue in Wisconsin, GECCS, was a reseller, and Ameritech Wisconsin was responding to a regulatory requirement that was unique to Wisconsin. Regardless of the merits of AT&T's characterization of the circumstances or the merits of the Wisconsin Commission's conclusions, the fact remains that Ameritech Michigan has not relied on any agreement between itself and GE Capital Communications Services Corporation for any purpose whatsoever.

For the reasons discussed above, Ameritech Michigan respectfully requests that the Michigan Public Service Commission reject AT&T's request to include its letter and related documents in the record of this proceeding. Alternatively, Ameritech Michigan requests that this response be included in the record with AT&T's misleading letter so that the record is complete and accurate.

Very truly yours,

Craig A Anderson

cc: Hon. Theodora M. Mace All Parties of Record

CAA:jkt

## STATE OF MICHIGAN

## BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter, on the Commission's own motion. to consider Ameritech Michigan's compliance with the competitive checklist in Section 271 of the Telecommunications Act of 1996.

Case No. U-11104

## PROOF OF SERVICE

Jane Sumner, being first duly sworn, deposes and states that on the 2nd day of October 1996, she served a copy of Ameritech Michigan's Response to AT&T's September 18, 1996 Letter upon the parties listed on the attached service list via U.S. mail.

Further, deponent sayeth not.

Subscribed and sworn to before me this 2nd day of October, 1996.

CATHLEEN A. MARSH Notary Public, Eaton County, MI My Comm. Expires Feb. 18, 1997

in Ingkom County

## SERVICE LIST

## MPSC CASE NO. U-11104

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Gayle Teicher
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Bureau
1919 M Street, N.W., Room 544
Washington, DC 20554
Representing FCC

#30

#### STATE OF MICHIGAN

## BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the complaint of

MCI TELECOMMUNICATIONS CORPORATION

against AMERITECH MICHIGAN and

GTE NORTH INCORPORATED relative

to their not making intraLATA equal access

svailable to MCI in the State of Michigan.

At the October 7, 1996 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. John G. Strand, Chairman Hon. John C. Shea, Commissioner Hon. David A. Svanda, Commissioner

## ORDER ON REHEARING

On February 24, 1994, the Commission issued an order in which it determined that intraLATA dialing parity is necessary for effective competition and, therefore, is in the public interest. The Commission ordered that intraLATA dialing parity be implemented in Michigan as soon as Ameritech Michigan and GTE North Incorporated (GTE) became able to provide interLATA toll service, but no later than January 1, 1996. Toward that end, the Commission found that a task force should be established to work out the procedure for enabling interexchange carriers, like MCI

<sup>&</sup>lt;sup>1</sup>With intraLATA dialing parity, the customer can preselect which carrier will handle intraLATA calls that are placed by dialing 1+. Without dialing parity, when a customer places an intraLATA call by dialing 1+, Ameritech Michigan or GTE carries the call.

Telecommunications Corporation (MCI) and AT&T Communications of Michigan, Inc. (AT&T), to compete fully and fairly in the intraLATA toll market. On July 19, 1994, the Commission denied petitions for rehearing and reconsideration of the February 24, 1994 order.<sup>2</sup>

On March 10, 1995, the Commission issued an order adopting the Dialing Parity Task Force plan for implementing intraLATA dialing parity. Among other things, that order required (1) implementation of intraLATA dialing parity "on a flash-cut basis" by January 1, 1996, (2) adoption of a firm schedule for the conversion to intraLATA dialing parity subsequent to January 1, 1996 of all Ameritech Michigan and GTE central offices that, for technical reasons, could not be converted on January 1, 1996, and (3) imposition of a 55% discount on access charges in central offices that failed to meet their respective conversion deadlines.

On November 30, 1995, Governor John Engler signed 1995 PA 216, which amended the Michigan Telecommunications Act (the Act), 1991 PA 179, MCL 484.2101 et seq.;

MSA 22.1469(101) et seq. Among other things, the amendments provided a framework for the implementation of dialing parity. MCL 484.2312a and 2312b; MSA 22.1469(312a) and (312b).

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The Commission's orders were upheld by the Court of Appeals in GTE North Inc v PSC, 215 Mich App 137; 544 NW2d 678 (1996).

Implementation on a "flash-cut basis" means that, rather than converting each individual central office to dialing parity as soon as its conversion was technically possible, Ameritech Michigan could wait until January 1, 1996 and convert all similarly situated central offices simultaneously.

<sup>\*</sup>Recognizing that new computer software would have to be installed or switches would have to be replaced in some central offices before they could provide dialing parity, the March 10, 1995 order gave Ameritech Michigan and GTE 30 days to file schedules setting forth the precise conversion dates anticipated for each of their central offices. On April 10, 1995, Ameritech Michigan filed a schedule indicating that, of its 443 central offices, (1) 364 [or 82.17%] could be converted by January 1, 1996, (2) software problems would delay conversion of 74 others until between November 2 and December 7, 1996, and (3) the need to replace switches would delay the conversion of the remaining 5 indefinitely.

On May 2, 1996, MCI and AT&T filed a joint motion (the "Joint Motion") to compel

Ameritech Michigan's compliance with the prior Commission orders in this case. Ameritech

Michigan filed a response on May 9, 1996, and the Commission heard oral argument on May 23,

1996. MCI, AT&T, Ameritech Michigan, and the Commission Staff (Staff) participated.

On June 26, 1996, the Commission issued an order addressing the motion to compel. The Commission stated that the critical issue was whether Section 312b indefinitely allows Ameritech Michigan to offer dialing parity to only 10% of its customers or whether that section requires implementation of the more expansive conversion schedule set forth in prior Commission orders. Based on the wording of Section 312b, as well as the legislative history and practical effect, the Commission concluded that Ameritech Michigan must abide by the conversion schedule established by the February 24, 1994, July 19, 1994, and March 10, 1995 orders. Moreover, the Commission found no valid reason why this implementation cannot occur within 30 days. It noted that, based on the filing received on April 10, 1995 (discussed in footnote 4 on page 2 of this order), at least 364 of Ameritech Michigan's central offices could be converted immediately to dialing parity and the remaining central offices could be converted at the time and in the manner required by the Commission's previous orders in this case. Finally, the Commission rejected the request by MCI and AT&T that it increase the 55% discount on access charges for calls from central offices that are not converted according to that schedule.

On July 9, 1996, Ameritech Michigan filed a petition for rehearing, a motion to reopen the record, and a motion for a stay of the Commission's June 26, 1996 order.

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<sup>&</sup>lt;sup>5</sup>Because proceedings had already been initiated in Case No. U-11050 seeking GTE's compliance with the Commission's prior dialing parity orders, the motion addressed only Ameritech Michigan's compliance.

On July 15, 1996, the Staff filed a response in opposition to all three filings and AT&T filed a response in opposition to the motion for a stay. On July 30, 1996, AT&T filed responses in opposition to the other two filings, and MCI and the Attorney General filed responses in opposition to all three filings.

## Petition for Rehearing

Ameritech Michigan asserts that the Commission's order includes erroneous findings and conclusions of law. It urges the Commission to reconsider its determinations based on the arguments that Ameritech Michigan offered in its May 9, 1996 response to the motion to compel and at the May 23, 1996 oral argument.

Rule 403 of the Commission's Rules of Practice and Procedure, 1992 AACS, R 460.17403, provides that a petition for rehearing may be based on claims of error, newly discovered evidence, facts or circumstances arising after the hearing, or unintended consequences resulting from compliance with the order. A petition for rehearing is not merely another opportunity for a party to argue a position or to express disagreement with the Commission's decision. Unless a party can show the decision to be incorrect or improper because of errors, newly discovered evidence, or unintended consequences of the decision, the Commission will not grant a rehearing.

The Commission finds that the petition for rehearing fails to satisfy the standard in Rule 403 because Ameritech Michigan has only reasserted arguments previously rejected by the Commission's order.

## Motion to Reopen

Ameritech Michigan notes that, in earlier evidentiary proceedings, it presented forecasts of the potential competitive and financial effects of implementing dialing parity before federal law permits

Page 4 U-10138 it to offer interLATA service. It now moves that the Commission reopen the record to permit it to offer evidence of the actual competitive and financial effects of offering dialing parity in the 10% of its exchanges that were opened up on January 1, 1996.

Ameritech Michigan's motion also says that the Commission's order may have been motivated by a concern that the company seeks an unfair head start by obtaining the termination of the interLATA prohibition before it implements dialing parity. It offers to work with the Staff on procedures and safeguards to ensure the implementation of dialing parity simultaneously with the effective date of its authority to offer interLATA service. It proposes to present the results of those discussions on the reopened record.

Rule 401, 1992 AACS, R 460.17401, provides for the reopening of the record when necessary for the development of a full and complete record or when there has been a change in conditions of fact or law such that the public interest requires a reopening of the record. Ameritech Michigan does not assert that there has been a change in conditions of fact or law that requires a reopening.

The Commission is not persuaded that the motion to reopen satisfies the requirements of Rule 401. First, the issues raised by the Joint Motion to compel are legal and do not depend on how dialing parity affects Ameritech Michigan. In any event, if the company thought otherwise, it should have raised the factual issues in its response to the Joint Motion, rather than waiting until the Commission issued its order. Second, the effect of dialing parity on Ameritech Michigan and the claim of a linkage between the implementation of dialing parity and Ameritech Michigan's authority to provide interLATA service have been at issue since MCI filed the complaint that began this case. The Commission has already decided that dialing parity is in the public interest and should be implemented on a date certain regardless of whether Ameritech Michigan can provide interLATA service by then. Consequently, Ameritech Michigan's request to reopen the record is a belated

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